

# Telecopier Cover Sheet

Date: July 28, 2003 (resending)  
July 21, 2003

To: Assistant Commissioner for Patents  
FAX #: 707-308-6459  
Phone: 707-308-6508

From: Donald Wensky  
FAX #: 818-557-8440  
Phone: 818-560-8973

Total Number of Pages (including this cover sheet): 9  
If you do not receive all of these pages, please call 818-560-8953.

## Comments

See attached

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PATENT

Attorney Docket No.: D 8242-PCT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: BrainX.com

Attn.: BOX PCT

International filing date: 08 May 2000

PCT Legal Dept.

International Application No.: PCT/US00/12686

U.S. Application No.: 10/031,806

Examiner: TBD

Title: INTERACTIVE COMPUTER  
NETWORKED STUDY AID AND GUIDEPETITION UNDER 37 CFR 1.181 FOR THE RECONSIDERATION  
OF THE HOLDING OF ABANDONMENTAssistant Commissioner for Patents  
Box PCT  
Washington, DC 20231  
Attn: Legal Dept.

Sir:

A Notification of Missing Requirements was mailed 14 May 2002 in the present case. Application never received this Notification because it was sent to an incorrect Pennsylvania address instead of the correct address in California. The Applicant discovered the existence of the Notification during a status call to the PCT Help desk on 9 June 2003. The Help Desk suggested that a request be sent explaining the situation and then indicated that the Notification would be resent and the abandonment would be withdrawn because of the U.S.P.T.O. error in the address.

In response to applicant's 10 June 2003 request, Paralegal Specialist Nguyen Ngoc-Ho sent a letter asserting that no correspondence address was submitted on filing in accordance with 37CFR 1.33(a), and that the address was "properly picked up from the address listed on the Express Mail label". Difficulty in reading the handwritten Express

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Mail return address was apparently the source of the incorrect address. A Notice of Abandonment was then mailed on 25 June 2003.

Applicant respectfully requests the reconsideration of the holding of abandonment. Applicant believes that a correspondence address was properly submitted on filing in accordance with 37 CFR 1.33(a). This section requires that


...a correspondence address must be set forth in either an application data sheet (Section 1.76), or elsewhere, in a clearly identifiable manner, in any paper submitted with an application filing.

Attached herewith, as Exhibit A, is a copy of the Transmittal Letter and accompanying documents filed under 35 USC 371 on 10 November 2001. This filing included a Declaration of Mailing by Express Mail, which clearly contains the attorney's typewritten address. Furthermore, included with Exhibit A is a copy of the check submitted for the payment of fees, which also clearly shows the attorney's address.

Finally, Applicant notes that an additional alternative to relying on a difficult to read Express Mail return address, would have been to obtain the address from the roster of registered Agents and Attorneys using the attorney's registration number that appears twice on the papers filed.

For the foregoing reasons, Applicant respectfully requests the withdrawal of the holding of abandonment. If any questions remain, the PCT Legal Department is requested to call the undersigned at the phone number below to expedite the prosecution of this application.

Respectfully Submitted,

  
Donald L. Wenskay  
Reg. No. 32661

Donald L. Wenskay  
Attorney at Law  
132 El Camino Real, Suite 314  
Encinitas, CA 92024

Phone: 858-756-9730  
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Enclosure

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FORM PTO-1990 (REV. 9-2001)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <b>8242-PCT</b>	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371					
INTERNATIONAL APPLICATION NO. <b>PCT/US00/12686</b>		INTERNATIONAL FILING DATE <b>8 May 2000</b>		PRIORITY DATE CLAIMED <b>12 May 1999</b>	
TITLE OF INVENTION <b>Interactive Computer networked Study aid and Guide</b>					
APPLICANT(S) FOR DO/EO/US <b>Brain X, Inc.</b>					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<p>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input checked="" type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>					

Page 1 of 2

EXHIBIT A

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

ATTORNEY'S DOCKET NUMBER

21. ☐ The following fees are **incurred**:**BASIC NATIONAL FEE** (37 CFR 1.492 (a) (1) - (5)):Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO..... \$1040.00International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO ..... \$890.00International preliminary examination fee (37 CFR 1.482) not paid to USPTO  
but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$740.00International preliminary examination fee (37 CFR 1.482) paid to USPTO  
but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$710.00International preliminary examination fee (37 CFR 1.482) paid to USPTO  
and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$ 50

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 65

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	108 - 20 =	88	x \$18.00	\$ 792.00
Independent claims	8 - 3 =	5	x \$40.00	\$ 200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$

**TOTAL OF ABOVE CALCULATIONS =**

\$ 1,107

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

+

**SUBTOTAL =**

\$ 1,107

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

**TOTAL NATIONAL FEE =**

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

\$

**TOTAL FEES ENCLOSED =**

\$ 1,107

Amount to be  
refunded: \$

charged: \$

- a. ☐ A check in the amount of \$ 1,107.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☐ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any  
overpayment to Deposit Account No. \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card  
information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

SIGNATURE

NAME

REGISTRATION NUMBER

PATENT  
ATTORNEY DOCKET NO. D 8242 - PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BRAINX.COM  
International application No.: PCT/US00/12686  
International filing date: May 8, 2000  
Priority date: May 12, 1999  
Title : INTERACTIVE COMPUTER NETWORKED STUDY AID  
AND GUIDE

Commissioner of Patents and Trademarks  
Washington DC 20231  
Box PCT

DECLARATION OF MAILING BY EXPRESS MAIL

DONALD L. WENSKAY declares as follows:

1. I reside at 2355 Dove Hollow Road Olivenhain, CA 92024 and am registered to practice under Reg. No. 32661.
2. On November 10, 2001, I deposited in the mail, Express Mail service of the United States Postal Service the contents of the envelope for which Express Mail receipt No. ET841797498US was issued addressed to: Commissioner of Patents and Trademarks, Box PCT Washington, DC 20231.
3. Attached hereto is a true copy of the Express Mail receipt No. ET841797498US.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the above-identified application or any patents issued thereon.

Date: 11-10-01



ET 841797498 US

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DONALD L. WENSKAY CDL 864705F		16-681220	9183
MARSHA S. WENSKAY CDL 8647053			
353 DOVE HOLLOW ROAD			
CLIVENHAIN, CA 92024			
(857) 756-4581			
PAY TO THE ORDER OF		ME 11-10-60	
Commission of Pictorial & Technical		\$ 1107.00	
Seven hundred seven and 00/100 DOLLARS			
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ENCINITAS, CA 92024			
760-630-3220			
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(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

REVISED VERSION

(19) World Intellectual Property Organization  
International Bureau



(43) International Publication Date  
23 November 2000 (23.11.2000)

PCT

(10) International Publication Number  
WO 00/70582 A1

(51) International Patent Classification: G09B 3/00, 5/04, 7/00

(74) Agents: CISLO, Daniel, M. et al.; Suite 900, 233 Wilshire Boulevard, Santa Monica, CA 90401 (US).

(21) International Application Number: PCT/US00/12686

(81) Designated States (national): AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, US, UZ, VN, YU, ZA, ZW.

(22) International Filing Date: 8 May 2000 (08.05.2000)

(25) Filing Language: English

(26) Publication Language: English

(30) Priority Date: 60/133,760 12 May 1999 (12.05.1999) US

(84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, EG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LI, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG).

(71) Applicant (for all designated States except US): BRAINX.COM [US/US]: 86 Cloverwood Avenue, Newbury Park, CA 91320 (US).

(72) Inventor and

(75) Inventor/Applicant (for US only): LEWOLT, Bruce [US/US]: 86 Cloverwood Avenue, Newbury Park, CA 91320 (US).

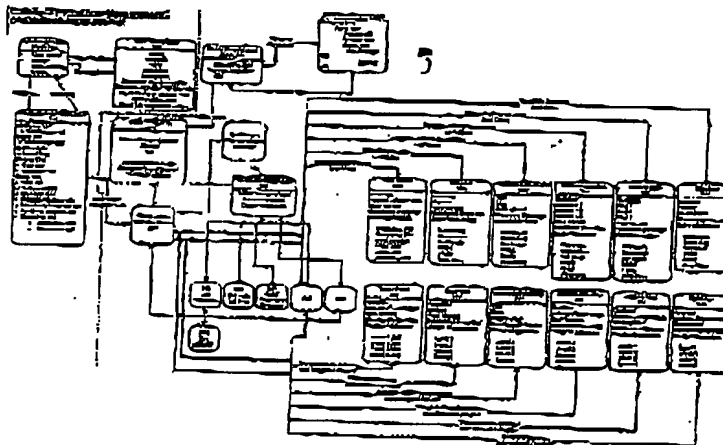
Published:

With international search report.

(88) Date of publication of the revised international search report: 5 July 2001

[Continued on next page]

(54) Title: INTERACTIVE COMPUTER NETWORKED STUDY AID AND GUIDE



(57) Abstract: An interactive study aid provides students or other source-selected (208) question for studying. Preferably in conjunction with machine-implemented or other information processing, the interactive study aid of the present invention provides a student with the ability to acquire, present/study, and collaborate upon study material (202) information. Acquisition of study material (202) information may be made through soft-text resources such as digital books or online resources. A pen scanner may be used to access hard copy information making pertinent portions available to the interactive study aid. Study material information may also be entered by hand. Upon entering the study material, the student can indicate the likelihood of its appearing on a test or the importance of the information to the student. Study session orchestrated by an Intelligent Learning Agent guide the student towards that material he or she is the most interested in either for tested/evaluated course work for a grade or for self study and interest.

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REVISED  
VERSION

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US00/13686

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : G09B 3/00, 5/04, 7/00

US CL : 434/118, 157, 185, 308, 309, 317, 320, 322, 341

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 434/118, 157, 185, 308, 309, 317, 320, 322, 341

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base searched during the international search (name of data base and, where practicable, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category <sup>a</sup>	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y. P	US 6,015,297 A (LIBERMAN ET AL.) 18 JANUARY 2000, COL. 1-8	1-46
Y, P	US 6,077,085 A (PARRY ET AL.) 20 JUNE 2000, COL. 2-26.	1-46
A	US 4,135,314 A (YAMAMOTO) 23 JANUARY 1979, COL. 1-5	1-46
A	US 5,632,624 A (CAMERON ET AL.) 27 MAY 1997, COL. 1-5.	1-46
A	US 3,818,610 A (BABA ET AL.) 25 JUNE 1974, COL. 1-6	1-46

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.<sup>a</sup> Special categories of cited documents:<sup>a</sup> document defining the general state of the art which is not considered to be of particular relevance<sup>b</sup> earlier documents published on or after the international filing date<sup>c</sup> document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another claim or other special reason (to be specified)<sup>d</sup> documents referring to an oral disclosure, use, exhibition or other means<sup>e</sup> documents published prior to the international filing date but later than the priority date claimed<sup>f</sup><sup>f</sup> later documents published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention<sup>g</sup><sup>g</sup> document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone<sup>h</sup><sup>h</sup> document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, each combination being obvious to a person skilled in the art<sup>i</sup><sup>i</sup> document member of the same patent family

Date of the actual completion of the international search

20 MARCH 2000

Date of mailing of the international search report

03 APR 2001

Name and mailing address of the ISA/US  
Commissioner of Patents and Trademarks  
Box PCT  
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

OLEN BURGESS

Telephone No. (703) 305-5792

Form PCT/ISA/210 (second sheet) (July 1998)

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